

TFC Contract No. 16-065-000  
Amendment No. 2  
Tom Green and Company Engineers, Inc  
RFQ No. 303-6-00088  
Project No. 16-003-5090

**AMENDMENT NO. 2  
TO THE  
PROFESSIONAL ARCHITECT/ENGINEERING SERVICES  
AGREEMENT  
BETWEEN  
THE TEXAS FACILITIES COMMISSION  
AND  
TOM GREEN AND COMPANY ENGINEERS, INC.**

**This Amendment No. 2** to the Professional Architectural/Engineering Services Agreement (hereinafter referred to as "Amendment No. 2") is entered into by and between the Texas Facilities Commission (hereinafter referred to as "TFC"), a state agency located at 1711 San Jacinto Boulevard, Austin, Texas 78701, as Owner (as defined in UGC, Section 1.28), and Tom Green and Company Engineers, Inc., a Texas Corporation (hereinafter referred to as "A/E"), located at 3701 Executive Center Drive, Suite 258, Austin, Texas 78731 (hereinafter referred to collectively as the "parties"), to amend the original Professional Architectural/Engineering Services Agreement between the parties, as amended.

**RECITALS**

WHEREAS, on January 20, 2016, the parties entered into that one certain *Professional Services Architectural/Engineering Services Agreement Between the Texas Facilities Commission and Tom Green and Company Engineers, Inc.* (hereinafter referred to as the "Agreement"); and

WHEREAS, on October 5, 2017, the parties entered into Amendment No. 1 to provide for Additional Services and Fees; and

WHEREAS, the parties now desire to enter into Amendment No. 2 for the purpose of extending the Term of the Agreement;

WHEREAS, the Texas Legislature in the 85th Regular Legislative Session, enacted House Bill 89 effective September 1, 2017, relating to prohibiting contracts with companies boycotting Israel; and

WHEREAS, the Texas Legislature in the 85th Regular Legislative Session, enacted Senate Bill 252 effective September 1, 2017, relating to prohibiting governmental contracts with a company doing business with Iran, Sudan, or a foreign terrorist organization; and

WHEREAS, TFC has determined to modify the Contract so that it reflects these prohibitions;

NOW, THEREFORE, the parties agree to further amend the Agreement as follows:

1. ARTICLE III – TERM AND TERMINATION, Section 3.1 – DURATION, is amended so that it reads in its entirety as follows:

"3.1 Duration. This Agreement shall be effective as of the Effective Date and shall

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terminate on August 31, 2020, unless extended by the parties by amendment to this Agreement or terminated earlier, as provided below.”

2. The parties hereby agree to modify ARTICLE VI – WARRANTIES AND REPRESENTATIONS MADE BY A/E, by adding SUBSECTIONS 6.1.14 and 6.1.15, which shall read in their entirety as follows:

“6.1.14. Prohibition Against Boycotting Israel. In accordance with Section 2270.002 of the Texas Government Code, by signature hereon, Contractor certifies that it does not boycott Israel and will not boycott Israel during the term of this Contract.

6.1.15. Prohibition Against Contracting with Companies Engaged in Business with Iran, Sudan, or Foreign Terrorist Organizations. In accordance with Section 2251.152 of the Texas Government Code, TFC is prohibited from entering into a governmental contract (as defined in Texas Government Code Section 2252.151(3)) with a company that is identified on a list prepared and maintained under Texas Government Code Section 806.051, 807.051, or 2252.153. If contractor is on the above-referenced list the Contract will be considered void or voidable and TFC will not be responsible to pay Contractor for any work performed.”

3. All other terms and conditions of the Agreement not expressly amended herein shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have made and executed this Amendment No. 2 to be effective as of the last date of a party to sign.

**TEXAS FACILITIES COMMISSION**

**TOM GREEN AND COMPANY  
ENGINEERS, INC.**

By:   
 DocuSigned by:  
 Mike Novak  
 B1C9FC0A8020417...

Mike Novak

Executive Director

Date of execution: 12/18/2018 | 3:38 PM CST

By:   
 DocuSigned by:  
 B0F2239D7C994EE...

Cameron Labunski, P.E.

Senior Engineer

Date of execution: 12/18/2018 | 3:23 PM CST

G.C. NRG

Dir. smh

D.E.D. JK